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AZ CORP COMMISSION  
DOCKET CONTROL

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

8 KRISTIN K. MAYES, CHAIRMAN  
9 GARY PIERCE  
10 PAUL NEWMAN  
11 SANDRA D. KENNEDY  
12 BOB STUMP

Arizona Corporation Commission

DOCKETED

JUL 19 2010

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13 IN THE MATTER OF THE COMMISSION  
14 ON ITS OWN MOTION INVESTIGATION  
15 THE FAILURE OF TRUXTON CANYON  
16 WATER COMPANY TO COMPLY WITH  
17 COMMISSION RULES AND  
18 REGULATIONS.

DOCKET NO. W-02168A-10-0247

RESPONSE TO COMPLAINT AND  
PETITION FOR AN ORDER TO  
SHOW CAUSE

19 The Truxton Water Company ("Company") hereby answers the Arizona  
20 Corporation Commission Staff's Complaint and admits, denies, and alleges as follows:  
21

- 22 1. Admit only that A.R.S. Title 40, § 40-246, and Ariz. Const. Art. XV speak for  
23 themselves and deny all else. Deny the paragraph fully states the rights and obligations  
24 set forth therein.
- 25 2. Admit.
- 26 3. Admit Company has a CC&N; and Company is without knowledge or information  
27 sufficient to form a belief as to the Arizona laws and Commission orders, rules, and  
28 regulations to which the allegation refers, and therefore denies such allegations.
4. Admit.

- 1 5. Deny the Company "has" six wells. Admit only that Decision No. 63713, the  
2 management agreement, and purchase water agreement speak for themselves. Deny all  
3 else.
- 4 6. Admit only that any document issued by the Arizona Department of  
5 Environmental Quality ("ADEQ") speak for themselves and deny all else.
- 6 7. Admit only that Consent Order No. DW-49-07 speaks for itself and deny all else.
- 7 8. Admit only that ADEQ Notice of Violation speaks for itself and deny all else.
- 8 9. Admit only that ADEQ system reviews speak for themselves and deny all else.
- 9 10. Admit only that ADEQ inspection report speaks for itself and deny all else.
- 10 11. Admit only that the Sanitary Survey Report speaks for itself and deny all else.
- 11 12. Deny.
- 12 13. The Company is without knowledge or information sufficient to form a belief as to  
13 the truth of the allegations and therefore denies such allegations.
- 14 14. Admit only that the letter speaks for itself and deny all else.
- 15 15. Admit only that the response speaks for itself and deny all else.
- 16 16. The Company is without knowledge or information sufficient to form a belief as to  
17 the truth of the allegations and therefore denies such allegations.
- 18 17. The Company is without knowledge or information sufficient to form a belief as to  
19 the truth of the allegations and therefore denies such allegations.
- 20 18. The Company is without knowledge or information sufficient to form a belief as to  
21 the truth of the allegations and therefore denies such allegations.
- 22 19. The Company is without knowledge or information sufficient to form a belief as to  
23 the truth of the allegations and therefore denies such allegations. Admit only that the  
24 annual reports for themselves and deny all else.
- 25 20. Admit only that the annual reports for themselves and deny all else.
- 26 21. Admit.
- 27 22. The Company is without knowledge or information sufficient to form a belief as to  
28 the truth of the allegations and therefore denies such allegations.

1 23. The Company is without knowledge or information sufficient to form a belief as to  
2 the truth of the allegations and therefore denies such allegations.

3 24. The Company is without knowledge or information sufficient to form a belief as to  
4 the truth of the allegations and therefore denies such allegations.

5 25. The Company is without knowledge or information sufficient to form a belief as to  
6 the truth of the allegations and therefore denies such allegations.

7 26. Deny.

8 27. Admit that Baccus advanced funds, but deny that a main extension agreement was  
9 finalized because Baccus had not decided where he wanted line located.

10 28. Admit that the Northern Arizona Consolidated Fire District advanced funds to  
11 install three fire hydrants. Deny that hydrants have not been installed. The Company is  
12 without knowledge or information sufficient to form a belief as to the truth of the  
13 allegations and therefore denies such allegations.

14 29. Deny that fire hydrants have not been installed and admit the remaining  
15 allegations.

16 30. Admit only that the agreement speaks for itself and deny all else.

17 31. The Company incorporates by this reference all responses set forth above.

18 32. Admit only that A.R.S. § 40-321(A) speaks for itself and deny all else.

19 33. Deny.

20 34. The Company incorporates by this reference all responses set forth above.

21 35. Admit only that A.A.C. R-14-2-407(A) speaks for itself and deny all else.

22 36. Deny.

23 37. The Company incorporates by this reference all responses set forth above.

24 38. Admit only that A.A.C. R-14-2-407(E) speaks for itself and deny all else.

25 39. Deny.

26 40. The Company incorporates by this reference all responses set forth above.

27 41. Admit only that A.A.C. R-14-2-407(C) speaks for itself and deny all else.

28 42. Deny.

- 1 43. The Company incorporates by this reference all responses set forth above.
- 2 44. Admit only that A.R.S. § 40-301(B) speaks for itself and deny all else.
- 3 45. The statutes and annual reports speak for themselves and deny all else.
- 4 46. The Company incorporates by this reference all responses set forth above.
- 5 47. Admit only that A.R.S. § 40-302(A) speaks for itself and deny all else.
- 6 48. The statutes and Commission records speak for themselves and deny all else.
- 7 49. The Company incorporates by this reference all responses set forth above.
- 8 50. Admit only that A.R.S. § 40-221 speaks for itself and deny all else.
- 9 51. The Company is without knowledge or information sufficient to form a belief as to  
10 the truth of the allegations and therefore denies such allegations.
- 11 52. Admit only that A.R.S. § 40-221(C) speaks for itself and deny all else.
- 12 53. Deny.
- 13 54. The Company incorporates by this reference all responses set forth above.
- 14 55. Admit only that A.A.C. R-14-2-411(D)(1) speaks for itself and deny all else.
- 15 56. Deny.
- 16 57. The Company incorporates by this reference all responses set forth above.
- 17 58. Admit only that A.A.C. R-14-2-411(A)(1) speaks for itself and deny all else.
- 18 59. The Company is without knowledge or information sufficient to form a belief as to  
19 the truth of the allegations and therefore denies such allegations.
- 20 60. The Company incorporates by this reference all responses set forth above.
- 21 61. Admit only that A.A.C. R-14-2-406(G) speaks for itself and deny all else.
- 22 62. The Company is without knowledge or information sufficient to form a belief as to  
23 the truth of the allegations and therefore denies such allegations.
- 24 63. The Company incorporates by this reference all responses set forth above.
- 25 64. Admit only that A.A.C. R-14-2-406(M) speaks for itself and deny all else.
- 26 65. Deny.
- 27 66. The Company incorporates by this reference all responses set forth above.
- 28 67. Admit only that A.A.C. R-14-2-409(D)(1) speaks for itself and deny all else.

1 68. Deny.

2 69. The Company incorporates by this reference all responses set forth above.

3 70. Admit only that A.R.S. § 40-202(L) speaks for itself and deny all else.

4 71. Deny.

5 72. The Company incorporates by this reference all responses set forth above.

6 73. Admit only that A.R.S. § 40-204(A) speaks for itself and deny all else.

7 74. Deny.

8 75. The Company incorporates by this reference all responses set forth above.

9 76. Admit only that A.R.S. § 40-204(B) speaks for itself and deny all else.

10 77. Deny.

11 78. The Company incorporates by this reference all responses set forth above.

12 79. Admit only that Arizona Constitution Article XV § 3 speaks for itself and deny all  
13 else.

14 80. Deny.

15 Defendant denies every allegation in the Complaint not expressly admitted herein.

16 **WHEREFORE**, the Defendants request as follows:

17  
18 A. All relief requested by Staff be denied.

19 B. Defendants be awarded their reasonable attorneys fees and costs incurred  
20 herein in defending this matter.

21  
22 C. Defendants be granted all such other relief as deemed just and proper.

23 **RESPECTFULLY SUBMITTED** this 19<sup>th</sup> day of July, 2010.

24 **Moyes Sellers & Sims Ltd.**

25  
26 

27 Steve Wene

28 Attorneys for Truxton Canyon Water Company

1  
2 Original and 13 copies of the foregoing  
3 filed this 19<sup>th</sup> day of July, 2010, with:

4 Docket Control  
5 Arizona Corporation Commission  
6 1200 West Washington  
7 Phoenix, Arizona 85007

8 Copy of the foregoing mailed this  
9 19<sup>th</sup> day of July, 2010, to:

10 Kimberly A. Ruht  
11 Legal Division  
12 Arizona Corporation Commission  
13 1200 W. Washington Street  
14 Phoenix, Arizona 85007

15 Charles Hains  
16 Legal Division  
17 Arizona Corporation Commisison  
18 1200 W. Washington Street  
19 Phoenix, Arizona 85007

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